

Nellie Wood testified by affidavit as follows:

I live at No. 8 Essie Avenue. I have been a trained nurse, and have just finished a course at a millinery school 94-1/2 Whitehall St. At this particular time I am not doing anything.

I have read over from Vol. 7, beginning at p. 3418, what transpired in the court room when I was tendered as a witness by the State. The whole transaction is as follows:

MISS NELLIE WOOD, Called in behalf of the State,

DIRECT EXAMINATION,
BY MR. DORSEY:

Mr. Dorsey: I want to show by this witness the general character; second, I want to prove a specific incident that occurred between her and Frank, in his office, that he made her an indecent proposal, and she was working in the pencil factory at the time, and I submit it is material, because they have proven and undertaken to set up that no such proposal was ever made. This is in rebuttal of his statement.

Mr. Rosser: Your Honor let in certain statements over our objections, Conley spoke about some girls on the fourth floor, and we had a right to go into it and see what girls on the fourth floor; but are we going to try four or five different fornication cases now? Let's settle it right now, Your Honor.

Mr. Dorsey: They have asked certain witnesses if they had been to Frank's office on Saturday afternoon and drank and did anything immoral. Now, if they can put that in, why can't we go on with this witness and show that such things did occur with this witness?

The Court: That came in without any objection, and came in absolutely in rebuttal of something that you had gotten in there, that they sought to rule out,-- a piece of evidence Conley testified to,-- and if it had been objected to at the beginning, I think I would have been compelled to have ruled it out, but I thought, inasmuch as they had cross examined Conley on it for a day or so, it was right to let it in.

Mr. Dorsey: Isn't it right for me to take this question and substituting the word "Mrs. Small", and say, "Miss Wood, you are a lady that worked on the fourth floor of the National Pencil Company two days, I'm going to ask you a question that they, the defendant's counsel have asked every lady that worked on that floor, so they say, 'Have you ever been down in Mr. Frank's office after hours drinking or doing anything immoral, at any time in that factory', and then can't I add, "or did Frank propose anything?"

The Court: To my mind, it isn't debatable at all.

Mr. Dorsey: Then we are absolutely shut out.

The Court: Well, I don't care, then the law shuts you out, if that's the case. According to that, you could put up everybody here and prove anything else he has ever done in his lifetime.

Mr. Dorsey: Now, they wanted it all covered at the same time. Now, haven't [sic] I got a right to show by a witness that worked at the National Pencil Company, the situation that she saw Frank in with a woman there?

The Court: I don't know, it's a good deal owing to what it shows.

Mr. Rosser: He means showing an immoral act on his part.

Mr. Dorsey: I am simply illustrating—have we got a right to show or not what this man did to girls when he went through the factory slapping them and all that?

The Court: I don't know about that, if it's relevant to this case, you could do it.

Mr. Arnold: Relevant to this case, what some other woman did?

The Court: When you put up these witnesses and prove bad character, then they can go into that and ask what makes up that bad character, – what have you heard, and so on. Now, he never said anything about any immorality except to dispute what Jum [sic] Conley had testified to, he didn't say a word, as I remember it, about the general proposition, he simply denied what Jim Conley had said about those things. I'll let you show by this woman or any other person, bad character on the part of this man, but no specific acts or any specific crimes. That's the law.

MISS NELLIE WOOD, Witness for prosecution in rebuttal, was then sworn.

DIRECT EXAMINATION.

Questions by Mr. Dorsey:

Q. What is your name? A. Nellie Wood.

Q. Miss Wood, where do you live? A. Live in Ormewood Park.

Q. Are you acquainted with the general character of Leo M. Frank? A. No sir, not knowing him but two days. I didn't know him but two days.

Q. That's what people say about him, general character, what people say about him, that is prior to April 26th, 1913. Were you acquainted with tge [sic] general character of Leo M. Frank? A. I am not positive about it.

Q. Just answer the question, yes or no, whether much or little

(Mr. Arnold:--Now, if the Court please, she says she didn't know it.

Mr. Dorsey:-- She hasn't answered the question yet.)

Q. Are you acquainted with the general character of Leo M. Frank? A. No sir, I only knew him two days. No sir, I do not know it.

Q. Miss Wood, you had a conversation-----

(Mr. Arnold: Now I object to that, Your Honor.

Mr. Dorsey:-- I have been misled by the witness.

I told the Solicitor-General before he put me on the stand that I was in the office of Leo M. Frank on one occasion when the said Frank made an indecent proposal to me. My experience as a trained nurse enabled me to fully understand and know what the said Frank intended. His language to me on that occasion was about as follows:

He said, "You know I am not like other people", and drawed his chair closer to me; says, "I don't think you will understand me", and put his hands on me, and I resisted and got up and opened the door. He said, well he wasn't going to hurt me anyway, says, "You don't understand what I mean", and then he tried to pacify me, and convince me tjat [sic] he didn't mean it the way I had taken it.

Soon after I appeared as a witness on the trial of the case of the State vs. Leo M. Frank, some man, whose name I do not now know, came to see me. Afterwards C. W. Burke came to see me. The first man who came to see me came in an automobile which I recognized to be the same automobile that C. W. Burke visited me in. C. W. Burke did not himself ever offer me any money to swear for Leo M. Frank, but the first man who approached me, the man who came in the automobile in which C. W.

Burke came, did make me a proposition to pay me money if I would swear to certain things in favor of Leo M. Frank. C. W. Burke afterwards came to see me and told me that the court had ruled out my evidence, and insisted that I should give him an affidavit. I gave him an affidavit, which stated that I personally knew nothing about Leo M. Frank prior to the murder, except as to what occurred between me and him in his private office. This occurrence, which I have heretofore referred to in this affidavit, occurred at a time when nobody was present in his office except Leo M. Frank and myself. I have no interest at all in the case of the State vs. Leo M. Frank, and it has embarrassed me to relate what I have in this affidavit with reference to Leo M. Frank's deportment to me when I was in his private office. That part of this affidavit was dictated to me personally to a lady stenographer.